



DMCA notices @ Caltech

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Open Repositories 2015 (OR15)
Indianapolis
9 June 2015



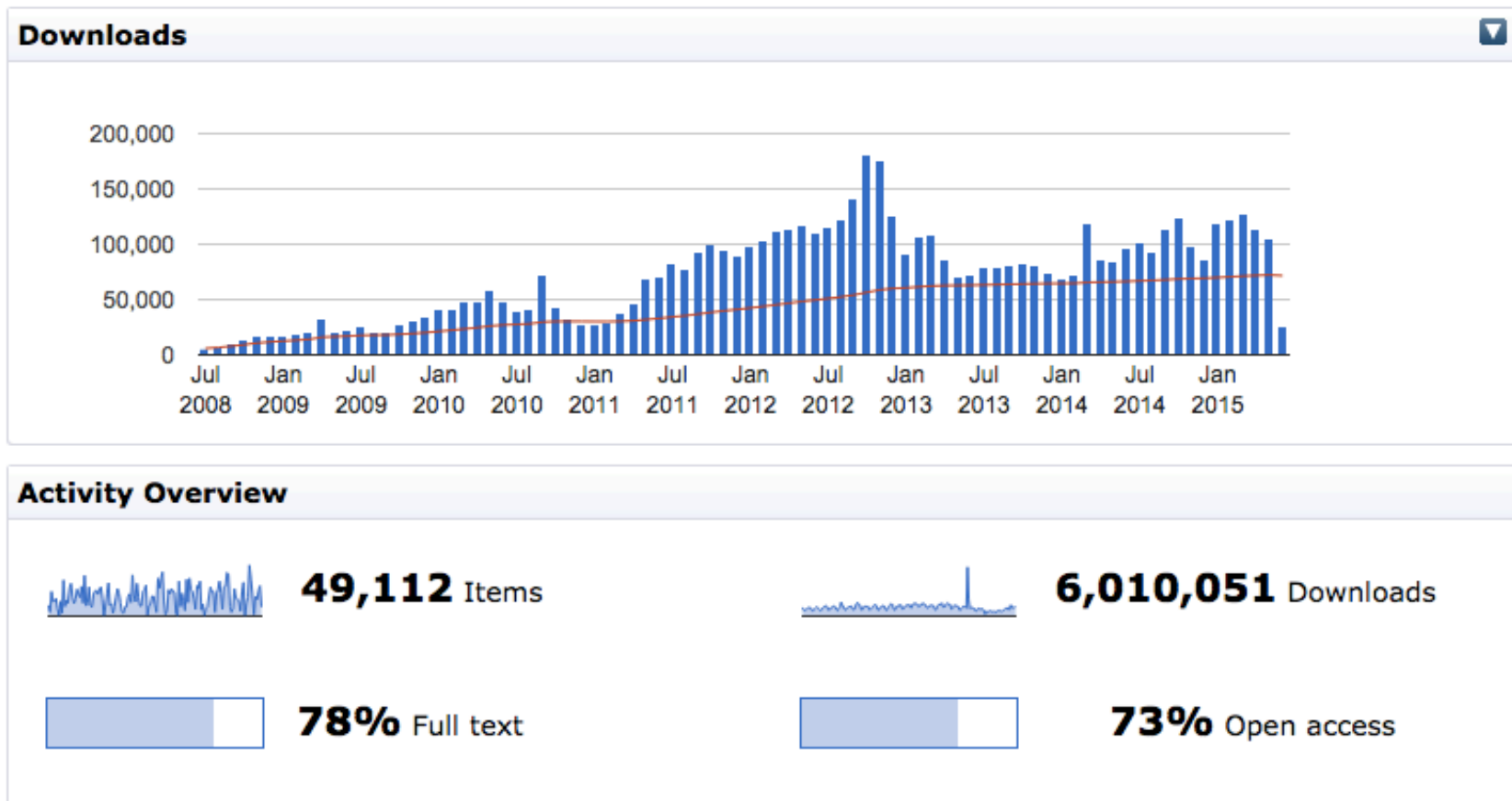
Caltech

- 300 faculty, 1K+ grad students, <1K undergrads
 - Research intensive university
 - ~3000 articles & book chapters/yr
 - Faculty Open Access policy, effective 1/2014
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CaltechAUTHORS

Institutional repository launched in 2001





DMCA notices

4 routes through which notices arrive at Caltech:

- Direct to faculty
 - Information Management Systems & Services (IMSS)
 - Office of the General Counsel (OGC)
 - Library
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Campus Coordinated Approach

Initial point of contact:

- Faculty – most commonly refer to OGC
- IMSS – notify OGC / refer to Library
- OGC – refer to Library

Library is the responsible party for evaluating validity of complaint, recommending compliance steps, communicating with publishers and faculty.



1st Brush with DMCA, July 2013

- IMSS receives complaint
 - IMSS refers to OGC
 - OGC refers to Library
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Library Investigation

- Poorly researched notice, claiming 3 violations of Elsevier copyright
 - 2 Elsevier related preprints and an ACM published article for one faculty. No credence to DMCA claim
 - Another prof quickly changes to publisher links for complete publications list – eliminating legitimate posting of some PDFs
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Return of DMCA, November 2013

- Faculty-owned domain – faculty notified
 - Referred to Library via OGC
 - Multiple potential violations of Elsevier content. All PDFs replaced by DOI links.
 - Library is committed to faculty education. IR offered as a safe harbor – rights vetted by Library staff before posting
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DMCA & ASCE, February 2014

- Multiple claimed violations, both in IR and on faculty website
 - Alleged violations not in sync with publisher policy
 - SHERPA-RoMEO guidance was followed
 - Called ASCE HQ to verify representation claim
 - Clarified ASCE actual policy with staff
 - Pledged to continue user education efforts
 - ASCE white-listed Caltech websites
 - Adjusted distribution permissions in IR
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Lessons

- Critical need to coordinate DMCA response on campus
 - OGC support of Library in event of dispute
 - Library is best positioned to validate/refute claims of copyright violation
 - Publishers do not want to antagonize their authors
 - Faculty outreach crucial to resolve and prevent copyright issues
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Questions?

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